

Patent


REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER
PURSUANT TO 37 CFR (1.178)

To the Commissioner of Patent and Trademarks:

The undersigned duly authorized representative of the assignee of the entire interest in original patent No. 5,721,449 hereby offers to surrender said letters patent.

A copy of the assignment of the invention and patent from the inventor to Advance Controls, Inc. was duly recorded in the Patent and Trademark Office and can be found at Reel 7906, Frame 0197. A copy of a change of address for Advance Controls, Inc. was duly recorded and can be found at Reel 9570, Frame 0934.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Donald G. Panuce, President
Advance Controls, Inc.

2/11/2000
(Date)

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**REISSUE APPLICATION DECLARATION BY THE INVENTOR;
POWER OF ATTORNEY; CONSENT OF ASSIGNEE**

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor of the subject matter which is described and claimed in United States Letters Patent No. 5,721,449, entitled Can Operated Inverter Bypass Safety Switch and issued Feb. 24, 1998, Attorney Docket No. AC11, and for which reissue patent is sought, the specification of which is attached hereto.

I have reviewed and understand the content of the above-identified specification, including the claims, as amended for reissue.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, section 1.56(a).

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STATEMENT OF INOPERATIVENESS OF ORIGINAL PATENT

I believe that the original United States Patent No. 5,721,449 is wholly or partly inoperative because the disclosed invention is not claimed as broadly as is legally allowed, and that this error arose from inadvertence, accident or mistake and without any fraudulent or deceptive intent on my part during the original prosecution of patent application Serial No. 603,657 from the filing date on February 20, 1996 through the issue date on February 24, 1998.

The reason for the error constituting said inadvertence, accident, or mistake arose from a failure to fully appreciate the permissible scope of my invention at the time the application was made, during the prosecution of the application, and until the error was discovered.

The claims of my Letters Patent No. 5,721,449 fail to fully encompass the scope of my invention in that the claims fail to encompass the entirety of the cam operated inverter bypass safety switch disclosed by the specification in United States Letters Patent 5,721,449.

For example, Applicant has amended claims 1 and 3 by deleting the requirement that the sections be joined together "by throughbolts". The specification does not make any statement about throughbolts being required.

Applicant also has amended claim 1 by deleting the requirement that the contact block is "substantially cylindrical". The specification does not make any statement that the contact block

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need by substantially cylindrical.

Applicant also has amended claim 1 by deleting the requirement that the stationary contacts be in pairs. This amendment is supported in the published patent specification at col. 3, lines 39-42 where it states "Preferably, two stationary contacts 18 are located on either side of each moveable contact 28..." (emphasis added).

Finally, applicant has added new claims 4 and 5 which contain all the limitations of claim 2 and underlying claim 1 except that they require only three and two discrete switching patterns respectively, whereas claim 2 requires four discrete switching patterns. Both of these new claims are supported in the specification at col. 4, lines 20-24 where it states "The inverter bypass safety switch may be configured in either a two position, three position, four position unit, depending on the needs of the user. The two position unit has a DRIVE and a LINE position. The three position unit has DRIVE, LINE, and OFF positions."

The failure to fully appreciate the permissible scope of my invention was discovered as a result of discussions with my patent attorney over new embodiments of the invention I was considering making. During the discussions with my patent attorney, a determination was made that the new embodiments were within the scope of the specification of patent application Serial No. 603,657, but that the new embodiments had failed to be claimed by the applicant. These discussions occurred after the issuance of Letters Patent 5,721,449 on February 24, 1998. This reissue application is being filed shortly after these discussions with my patent attorney.

No prior art known to declarant would have prohibited the broadening of the scope of the claims beyond that of the claims as filed. Declarant therefor desires to remedy this inadvertence and mistake by broadening the claims to encompass my new embodiments.

I have never abandoned the subject matter of the invention sought to be covered by the claims of this reissue application. The errors in the original patent arose without any fraudulent or deceptive intent on the part of the declarant.

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POWER OF ATTORNEY

As named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Harold J. Fassnacht, Reg. No. 35,507
George E. Bullwinkel, Reg. No. 24,585
Margaret M. Crosby, Reg. No. 40,969

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CONSENT OF ASSIGNEE PURSUANT TO 37 CFR 1.172(a)

As a duly authorized representative of Advance Controls, Inc., a corporation organized under the laws of Florida and having a principal place of business at 4505 18th Street East, Bradenton, Florida 34203, the assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,721,449 entitled Cam Operated Safety Switch, the undersigned hereby consents to this reissue application. A copy of the assignment of the invention and patent from the inventor to Advance Controls, Inc. was duly recorded in the Patent and Trademark Office and can be found at Reel 7906, Frame 0197. A copy of a change of address for Advance Controls, Inc. was duly recorded and can be found at Reel 9570, Frame 0934.

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INVENTOR:

Full Name: Donald G. Panuce
Residence: 541 Putter Lane
Longboat Key, FL 34228
Post Office address: Same
Citizen of: U.S.A.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Donald G. Panuce
Donald G. Panuce, individually
and in his capacity as President of
Advance Controls, Inc.

2/11/2000
(Date)